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ROSENMAN & COLIN

1300 19TH STREET, N.W., WASHINGTON, D.C. 20036

TELEPHONE (202) 463-7177

TELECOPIER (202) 429-0046

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

SAMUEL I. ROSENMAN (1896-1973)  
RALPH F. COLIN (1900-1985)

SPECIAL COUNSEL  
JEROLD L. JACOBS

NEW YORK OFFICE  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585  
TELEPHONE (212) 940-8800

January 5, 1994

William F. Caton, Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

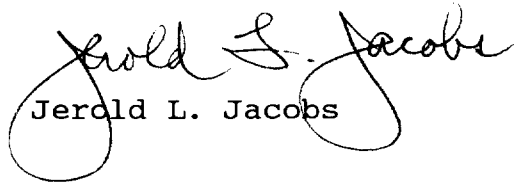
Re: MM Docket No. 93-315  
FM Table of Allotments  
Huntsville, MO

Dear Mr. Caton:

Enclosed herewith for filing, on behalf of our client, Contemporary Broadcasting, Inc., are an original and four (4) copies of its "REQUEST FOR RESCISSION OF NOTICE OF PROPOSED RULE MAKING" in the above-referenced matter. In light of the urgency of the situation, expedited action is respectfully requested.

Please direct all inquiries and communications concerning this matter to the undersigned.

Very truly yours,

  
Jerold L. Jacobs

Enc.

cc: As on Certificate of Service (all w/enc.)

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MM Docket No. 93-315  
Table of Allotments, ) RM-8320  
FM Broadcast Stations )  
(Huntsville, Missouri) )

To: Acting Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**REQUEST FOR RESCISSION OF  
NOTICE OF PROPOSED RULE MAKING**

CONTEMPORARY BROADCASTING, INC. ("Contemporary"),  
permittee of Station KTDI(FM), Huntsville, Missouri, by its  
attorneys, hereby requests that the Commission should rescind  
the Notice of Proposed Rule Making ("NPRM"), DA 93-1509,  
released January 4, 1994, in the above-captioned matter. In  
light of the urgency of the situation, expedited action is  
also requested. In support whereof, Contemporary shows the  
following:

1. On August 10, 1993, Contemporary filed a "Petition  
for Rule-Making" ("Petition") seeking to upgrade its existing  
construction permit for Station KTDI(FM) from Channel 278C2 to  
Channel 278C1. That Petition was assigned RM-8320 and is the  
focus of the NPRM. Contemporary maintains that between August  
10, 1993 and January 4, 1994 (the effective date of the NPRM  
under §1.102(b) of the Commission's Rules), three very  
significant events occurred which render the NPRM procedurally  
and legally erroneous and require its immediate rescission.

2. First, effective August 18, 1993, the Commission amended §73.3573(a)(1)) of the Rules in the Report and Order in MM Docket No. 92-159 ("Report and Order"), 8 FCC Rcd 4735 (1993), to establish a one-step allocation-and-application process for certain qualifying FM applications. Second, Contemporary filed such an FCC 301 minor modification application on December 9, 1993 (File No. BMPH-931209ID), seeking to upgrade its frequency to Channel 278C1, change its antenna height, change its ERP, and change its existing transmitter site. And third, on December 22, 1993, Contemporary filed a request to hold the Petition in abeyance in light of its December 9 application and the fact that the Petition will be rendered moot by grant of that application.

3. Contemporary's December 22 abeyance request did not seek immediate dismissal of its Petition, reasoning that dismissal of RM-8320 would not be appropriate until Contemporary's one-step application is actually granted. Until that time, Contemporary submits that RM-8320 should remain in the FM engineering database to preserve Station KTDI's engineering priority for a Channel 278C1 upgrade at Huntsville, Missouri. Although Contemporary's abeyance request was timely filed (see Paragraphs 1 and 2 above), the NPRM was not quashed during the 13-day intervening period.

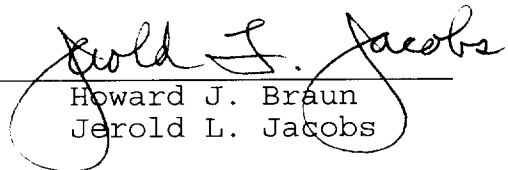
4. The Report and Order does not address the implications of simultaneous FM channel rulemaking proceedings and one-step applications involving the same frequency and the same petitioner/applicant. However, Contemporary submits that

such a situation completely defeats the "one-step" purpose of the Report and Order and will only create procedural confusion, wasteful rulemaking pleadings, and delay. Hence, Contemporary urges the Commission to rescind the NPRM immediately as incompatible with Contemporary's previously-filed one-step application and, therefore, procedurally and legally erroneous. Such rescission will prevent the filing of nugatory rulemaking comments or counterproposals which would have to be dismissed at a later date but could delay processing of Contemporary's one-step application in the interim. Once Contemporary's application is granted, RM-8320 can be dismissed as moot.

WHEREFORE, in view of the foregoing, Contemporary respectfully asks the Commission to rescind the Notice of Proposed Rule Making herein on an expedited basis and hold RM-8320 in abeyance, pending Commission action on Contemporary's pending Form 301 application.

Respectfully submitted,

**CONTEMPORARY BROADCASTING, INC.**

By   
Howard J. Braun  
Jerold L. Jacobs

ROSENMAN & COLIN  
1300 - 19th Street, N.W.  
Suite 200  
Washington, D.C. 20036  
(202) 463-7177

Its Attorneys

Dated: January 5, 1994

**CERTIFICATE OF SERVICE**

I, Yvonne Corbett, a secretary in the law offices of Rosenman & Colin, do hereby certify that on this 5th day of January, 1994, I have caused to be mailed, or hand-delivered, a copy of the foregoing "**REQUEST FOR RESCISSION OF NOTICE OF PROPOSED RULE MAKING**" to the following:

John A. Karousos, Acting Chief\*  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 8322  
Washington, D.C. 20554

Mrs. Kathleen Scheuerle\*  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 8314  
Washington, D.C. 20554

Intergalactic Communications, Inc.  
Radio Station KFMG(FM)  
108 Third Street Suite 103  
Des Moines, Iowa 50309

  
Yvonne Corbett

**\*BY HAND**